

In The United States Patent And Trademark Office

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In The Application Of)

Niro Nakamichi Et Al.)

Group Art Unit: 2754

Serial No.: 08/760,706)

Examiner: A. Cao

Filed: December 5, 1996)

Atty. Dkt. No. 004076.73577

For: Disk Playback Device)

Response

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Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The office action of November 5, 2003, has been reviewed and this paper is responsive thereto.

Claims 37, 64, and 109 stand rejected under 35 USC 251 as improperly recapturing subject matter surrendered in the parent application. Applicants traverse.

The Examiner asserts that claim 37 shows a "single conveying means" while the original patent claimed two conveying means. This is not what claim 37 recites.

Claim 37 as presently presented recites "a disk conveyor". The functions of the first and second conveying means as presented in the original patent are present in the disk conveyor. See page 7, lines 1-9 of the June 5, 1997, amendment. Also, Applicants addressed the change in language from "means plus function" language to non-means plus function language on page 25, line 11, through page 26, line 2, of the June 5, 1997, amendment. Accordingly, there is no impermissible recapture as the functions recited by the Examiner are shown in the disk conveyor as presently claimed.

Applicants note that the amendment of July 16, 1998, replaced claims 45-119 with new claims and added new claims 120-154. The rejection of claims 64 and 109 does not comport with the claims as currently pending.


Applicants submit that the current claims should be claims 2, 3, 5-7, 10-26, 28-43, and 45-154 (with claims 45-154 as presented on July 16, 1998).

The specification has been objected to as failing to include the changes on the certificate of correction. Applicants submit herewith a substitute specification with the Certificate of Correction changes included. Applicants note that the change to the claims is not present as that was separately handled in the first amendment of December 1996.

Applicants submit the application is in condition for allowance.

Respectfully submitted,

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